

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

APRIL GODBOLDO,

Plaintiff,

Case No.: \_\_\_\_\_

vs.

L.C. Case No.: 2021-190595-NO

WALMART STORE, INC., and  
WAL-MART STORES EAST, LIMITED  
PARTNERSHIP,

Defendants.

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**DEFENDANTS' NOTICE OF REMOVAL**

NOW COME, Defendants, WALMART STORE, INC. and WAL-MART STORES EAST, LP, ("Walmart Defendants"), by and through their attorneys, ZAUSMER, P.C., and hereby remove this case from Oakland County Circuit Court, pursuant to 28 U.S.C. §§1441(a) and 1446(a), for the reason that diversity of citizenship exists between the Plaintiff, APRIL GODBOLDO ("Plaintiff"), a citizen and resident of Oakland County in the State of Michigan, and the Walmart {03935300}

Defendants, who are organized under the laws of the State of Delaware with their principal place of business in Bentonville, Arkansas. (See Paragraph One of Plaintiff's Complaint, attached as **Exhibit "A"**.) Service has been effectuated upon Plaintiff, and in support of its Notice of Removal of this action, the Walmart Defendants state the following:

1. This action is pending in the Oakland County Circuit Court in the State of Michigan. The Complaint was filed with the Circuit Court on or around October 15, 2021. (See Plaintiff's Complaint, attached as **Exhibit "A"**.)

2. The Walmart Defendants were served with Plaintiff's Summons and Complaint by Certified Mail on October 29, 2021. (See Service of Process Transmittal Form, attached as **Exhibit "B"**).

3. This Notice of Removal is filed within thirty (30) days after the Walmart Defendants were served with the Summons and Complaint, in compliance with 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. §1446(a), a copy of the Complaint is attached as **Exhibit "A"**.

4. This Court has jurisdiction over this action, pursuant to 28 U.S.C. §1332. Jurisdiction exists because the parties are respectively citizens of different states and the amount in controversy alleged in the Complaint, exclusive of costs, allegedly exceeds Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars.

- A. Based on the allegations in the Complaint, Plaintiff is a citizen of the County of Oakland, State of Michigan. (See Plaintiff's Complaint at Paragraph One, attached as **Exhibit "A"**.)
- B. Defendant, WALMART, INC., formerly known as Walmart Store, Inc., a Delaware corporation, is a publicly traded company with shares listed and traded on the New York Stock Exchange under the symbol WMT. The principal place of business is Bentonville, Arkansas. No publicly traded entity owns more than 10% of the company. WALMART, INC. is not a citizen of the State of Michigan.
- C. Defendant, WAL-MART STORES EAST, LP, is a Limited Partnership organized under the laws of the State of Delaware, with its principal place of business in Bentonville, Arkansas. WAL-MART STORES EAST, LP is not a citizen of the State of Michigan.
- D. Defendant, WAL-MART STORES EAST, LP'S limited and general partners are not citizens of the State of Michigan:
- General Partner  
WSE Management, LLC  
702 S.W. 8th Street  
Bentonville, Arkansas 72716-0555  
WSE Management, LLC is a Delaware Limited Liability Company with a principal place of business in Bentonville, Arkansas.
  - Limited Partner  
WSE Investment, LLC  
702 S.W. 8th Street  
Bentonville, Arkansas 72716-0555  
WSE Investment, LLC is a Delaware Limited Liability Company with a principal place of business in Bentonville, Arkansas.
- E. The sole member of WSE Management, LLC and WSE Investment, LLC is Wal-Mart Stores East, LLC (formerly known as Wal-Mart

Stores East, Inc.), an Arkansas Limited Liability Company. The principal place of business for the aforementioned entities is Bentonville, Arkansas. Walmart Stores, Inc. is the sole member of Wal-Mart Stores East, LLC, and is a corporation organized under the laws of the State of Delaware, whose principal place of business is in the State of Arkansas.

F. Further, according to the allegations in Plaintiff's Complaint, the amount in controversy, exclusive of interest and costs, is in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars. Specifically, Plaintiff alleges, *inter alia*, in her Complaint, that she sustained serious and disabling injuries, including, but not limited to:

- i. Fracture of femur requiring emergency open reduction and internal fixation (ORIF) surgery;
- ii. Back injury;
- iii. Leg injury;
- iv. Hip injury;
- v. Excess economic loss;
- vi. Physical pain and suffering;
- vii. Mental anguish (past and future);
- viii. Emotional distress, fright and shock;
- ix. Disability, humiliation and embarrassment;
- v. Denial of social pleasures and enjoyments; and
- vi. Past and future medical bills.

(See Plaintiff's Complaint at Paragraph 26 (pp 6-7), attached as **Exhibit "A"**.)

G. Additionally, the Walmart Defendants have requested that Plaintiff cap her alleged damages claim at Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars or less. (See Correspondence to Plaintiff's Attorney, dated November 4, 2021, attached as **Exhibit "C"**.) However, to date, Plaintiff has declined to cap her alleged damages claim because she believes, at this juncture, her alleged damages are in excess of Seventy-Five Thousand and 00/100 (\$75,000.00) Dollars. (See Email from Plaintiff's Attorney, dated November 4, 2021, attached as **Exhibit "D"**.)

5. For purposes of diversity of jurisdiction, a corporation is a citizen of "any State by which it has been incorporated and of the State where it has its principal place of business ..." See *Delphi Automotive Systems, LLC v. Segway Inc.*, 519 F.Supp.2d 662, 665 (E.D. Mich. 2007).

6. In view of the above, there is complete diversity of citizenship between the parties.

7. Accordingly, based on the information known to date, this action may be removed from State Court to Federal Court, pursuant to 27 U.S.C. §§ 1332 and 1446(b). The Walmart Defendants will file a copy of this Notice of Removal with the Clerk of the Oakland County Circuit Court in the State of Michigan. Further, the Walmart Defendants will serve copies of this Notice on Counsel of record for Plaintiff.

Respectfully Submitted,

ZAUSMER, P.C.

/s/ Nicole M. Wright

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Dated: November 22, 2021

### **CERTIFICATE OF SERVICE**

I hereby certify that on **November 22, 2021**, I electronically filed the foregoing paper with the Clerk of the Court, using the ECF system and copies of such documents were served upon the following individuals by U.S. Mail:

Nora Y. Hanna (P80067)

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/s/ Nicole M. Wright

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